

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GEORGE B. SMITH,	:	
	:	
Petitioner,	:	Civ. No. 20-11052 (NLH)
	:	
v.	:	MEMORANDUM ORDER
	:	
WARDEN EUGENE CALDWELL, ¹	:	
	:	
Respondent.	:	

APPEARANCE:

George B. Smith
32448
Cumberland County Correctional Facility
54 W Broad St.
Bridgeton, NJ 08302

Petitioner Pro se

Jennifer Webb-McRae, Cumberland County Prosecutor
Andre R. Araujo, Assistant Prosecutor
Cumberland County Prosecutor's Office
115 Vine St.
Bridgeton, NJ 08302

Attorneys for Respondent

¹ The default rule is that the proper respondent of a § 2241 petition is the warden of the facility where the prisoner is being held. Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004). Subsequent to the filing of this petition, Eugene Caldwell was appointed to the position as Warden of the Cumberland County Jail. The Court will direct the Clerk to substitute Eugene Caldwell as the Warden on the docket. Fed. R. Civ. P. 25(d).

HILLMAN, District Judge

WHEREAS, Petitioner George Smith filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging his pretrial detention in the Cumberland County Jail, see ECF No. 1; and

WHEREAS, Petitioner alleged the conditions of confinement violate the Fourteenth and Eighth Amendment of the Constitution due to the jail's handling of the COVID-19 pandemic, id.; and

WHEREAS, the Court stayed the petition pending the resolution of a class action, Brown v. Warren, No. 1:20-cv-7907, involving the same factual and legal issues as the present habeas petition, ECF No. 7; and

WHEREAS, the Court expects the parties in Brown to enter into an amended consent decree,

THEREFORE, IT IS on this 19th day of January, 2022

ORDERED that the Clerk shall lift the stay on this matter and return the case to the Court's active docket; and it is further

ORDERED that the Clerk shall substitute Eugene Caldwell as the Warden on the docket, Fed. R. Civ. P. 25(d); and it is further

ORDERED that Petitioner shall submit a supplemental brief in support of the § 2241 petition within 30 days of this Order. Respondent shall file a supplemental response within 21 days of Petitioner's submission; and it is finally

ORDERED that the Clerk shall send a copy of this Order to
Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.